



IN REPLY TO

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive, P.O. Box 36800

Billings, Montana 59107-6800

<http://www.mt.blm.gov/>



SDR-922-02-01

3160 (922.WL)

OCT 09 2001

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Ms. Donna Williams
Burlington Resources Oil & Gas Company
P.O. Box 51810
Midland, Texas 79710-1810

SDR No 922-02-01

AFFIRMED

Burlington Resources Oil and Gas Company (Burlington) requests a State Director Review (SDR) in accordance with 43 CFR 3165.3(b) of the September 10, 2001 decision by the North Dakota Field Office (NDFO) issuing an assessment for failure to receive prior approval for abandonment operations for the Roughrider Federal 23-28H well. The well is located in the SW¼SW¼, Sec. 28, T. 145 N., R. 101 W., Lease NDM16897A, McKenzie County, North Dakota. A request to waive the assessment was sent by Burlington to the NDFO. The NDFO forwarded the letter to the Montana State Office (MSO). A phone conversation between Burlington personnel and MSO personnel on October 1, 2001, confirmed that Burlington wanted the letter to be considered as an SDR request. Therefore, the SDR request was considered timely filed on October 1, 2001, and was assigned number SDR 922-02-01.

A field inspection by the NDFO staff on September 4, 2001 revealed that this well had been plugged. Telephone conversations between the NDFO and Burlington further confirmed that the well had been plugged. The NDFO has no record of having received or approved a Notice of Intent to Abandon for this well. Therefore, an immediate assessment of \$500 was issued to Burlington in accordance with 43 CFR 3163.1(b)(3) for failure to obtain approval of a plan for well abandonment prior to commencement of such operations.

Burlington states in the SDR request that a Notice of Intent to Abandon was filed in June 2001. They state that they erred in not making sure the approval was received, and that there was never any intent to circumvent the approval process nor conceal the plugging of this well. Burlington states that they have an outstanding compliance record with the Bureau of Land Management. They state that this incident was purely an oversight and was not intentional, and that they respectfully request that the assessment of \$500 be waived. Burlington does not dispute that plugging operations were commenced prior to approval of a plan for well abandonment.

Obtaining approval of a plan for well abandonment prior to commencement of operations is extremely important. The approval ensures that the proposed plugging procedure is adequate to protect any water and/or mineral resources and is in accordance with the regulations. Also, conditions of approval are often attached to the approval which may modify or supplement the procedure. There are only a few violations that the Bureau of Land Management considers serious enough to warrant the imposition of immediate assessment. Commencement of plugging operations without approval is one of those violations. While Burlington's failure to obtain prior approval may have been an oversight and may have been unintentional, it does not change the fact that a serious violation occurred. Therefore, Burlington's request for a waiver of the assessment is denied, and the assessment issued by the NDFO is upheld.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and Form 1842-1 (Enclosure 1). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a Petition for a Stay of this Decision, pursuant to 43 CFR 4.21, the Petition must accompany your Notice of Appeal. A Petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in the Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a Decision pending appeal shall show sufficient justification based on the following standards:

The relative harm to the parties if the stay is granted or denied

The likelihood of the appellant's success on the merits

The likelihood of immediate and irreparable harm if the stay is not granted, and

Whether the public interest favors granting the stay

/s/ Thomas P. Lonnie

Thomas P. Lonnie
Deputy State Director
Division of Resources